

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: BRANDYWINE HEALTH  
SERVICES OF MISSISSIPPI, INC.**

**CH. 11 CASE NO:09-16528-DWH**

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**CERTIFICATE OF MAILING**

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I, Jim F. Spencer, Jr., do hereby certify that I have this day mailed a true and correct copy of Choctaw County, Mississippi's Motion to Approve Agreed Order (DK #33) and Notice of Hearing prepared by the Court on January 8, 2010, to the attached mailing matrix and John W. Crowell and Kristen W. Crowell, Nichols, Crowell, Gillis, Cooper & Amos PLLC, Post Office Box 1827, Columbus, MS 39703, United States Mail, Postage Prepaid.

This the 13<sup>th</sup> day of January, 2010.

CHOCTAW COUNTY, MISSISSIPPI

By: /s/ Jim F. Spencer, Jr.  
Its Attorney

OF COUNSEL:

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(601) 965-1900  
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Choctaw County Medical Center  
311 West Cherry Street  
Ackerman, MS 39735

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Attorney for Debtor  
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Jackson, MS 39201

Office of the United States Trustee  
Ste. 706 A.H. McCoy Federal Bldg.  
100 West Capitol Street  
Jackson, Mississippi 39269

Internal Revenue Service  
c/o U. S. Attorney  
900 Jefferson Avenue  
Oxford, MS 38655

Internal Revenue Service  
2209 5<sup>th</sup> Street North  
Columbus, MS 39701

Mississippi State Tax Commission  
Bankruptcy Section  
P. O. Box 22808  
Jackson, MS 39225-2808

Mississippi State Tax Commission  
Tim Thompson  
P. O. Drawer D  
Greenwood, MS 38935

Jim F. Spencer  
P. O. Box 650  
Jackson, MS 39205

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Mitchell, McNutt & Sams, P.A.  
P. O. Box 947  
Oxford, MS 38655-0947

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P. O. Box 23066  
Jackson, MS 39225-3066

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Oxford, MS 38655-0947

Richard Montague  
Wells, Moore, Simmons & Hubbard  
P. O. Box 1970  
Jackson, MS 39215-1970

Prime Care Nursing  
P. O. Box 852  
Greenville, MS 38702

MS Dept of Employment Security  
P. O. Box 23089  
Jackson, MS 39225

Valley Foods Services  
P. O. Box 5454  
Jackson, MS 39288

Serenity Healthcare  
P. O. Box 579  
Summit, MS 3966

GE Healthcare Financial Services  
P. O. Box 641419  
Pittsburgh, PA 15264

Synergetics DCS, Inc.  
P. O. Box 1276  
Tupelo, MS 38802

Gulf South Medical Supply  
P. O. Box 841968  
Dallas, TX 75284

Beckman Coulter, Inc.  
Dept. CH 10164  
Palatine, IL 60055

Winston Medical Center  
P. O. Box 967  
Louisville, MS 39339

Pinnacle Business Solutions  
6510 Old Canton Road  
Ridgeland, MS 39157

Doss Electric Inc.  
P. O. Box 652  
Maben, MS 39750

Okitibbeha County Hospital  
P. O. Box 1506  
Starkville, MS 39759

GE Healthcare  
P. O. Box 402076  
Atlanta, GA 30384

Four Seasons Lawn Maintenance  
P. O. Box 793  
Starkville, MS 39759

Montfort Jones Memorial Hospital  
P. O. Box 887  
Kosciusko, MS 39090

Cardinal Health  
Jackson Division  
P. O. Box 402586  
Atlanta, GA 30384

**Labcorp Laboratory Corp.**  
**231 Maple Avenue**  
**Burlington, NC 27216**

**Radiological Group PA**  
**1405 N. State Street**  
**Jackson, MS 39202**

CM/ECF hrg11bk  
(Rev. 12/04/09)

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

Cochran U.S. Bankruptcy Courthouse  
703 Highway 145 North  
Aberdeen, MS 39730  
Telephone: 662-369-2596

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In Brandywine Health Services of  
Re: Mississippi, Inc.  
Debtor(s)

Case No.: 09-16528-DWH  
Chapter: 11  
Judge: David W. Houston III

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PLEASE TAKE NOTICE that a hearing will be held at

Cochran U.S. Bankruptcy Courthouse, 703 Highway 145 North,  
Aberdeen, MS 39730

on 2/9/10 at 10:00 AM

Responses Due: 2/1/10

to consider and act upon the following:

33 – Motion to Approve Agreed Order. DK #27 Filed by Jim F. Spencer Jr. on  
behalf of Choctaw County, MS. (Attachments: # (1) Proposed Order) (Spencer, Jim)

Should any party receiving this notice respond or object to said motion such response or objection is required to be filed with the Clerk of this court and served on the Attorney for Movant on or before said response due date. If any objection or response is filed, a hearing will be held on the above mentioned date; otherwise, the Court may consider said motion immediately after the objection or response due date.

A copy of the motion is required to be served pursuant to Rules 9013 and 9014, FRBP. THE MOVING PARTY'S ATTORNEY IS REQUIRED BY THE STANDING ORDER TO PERFORM NOTICING AS TO SAID MOTION, THE NOTICE OF HEARING, AND THE OBJECTION DEADLINE, ACCORDING TO THE TERMS OF SAID STANDING ORDER.

Please see the Standing Order available at:

[http://www.msnb.uscourts.gov/pdfs/SO/so\\_notic\\_revised.pdf](http://www.msnb.uscourts.gov/pdfs/SO/so_notic_revised.pdf).

Dated: 1/8/10

David J. Puddister  
Clerk, U.S. Bankruptcy Court  
BY: VSD  
Deputy Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: BRANDYWINE HEALTH  
SERVICES OF MISSISSIPPI, INC.**

**CH. 11 CASE NO:09-16528-DWH**

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**BOARD OF SUPERVISORS OF CHOCTAW COUNTY, MISSISSIPPI'S  
MOTION FOR APPROVAL OF AGREED ORDER  
GRANTING RELIEF FROM THE AUTOMATIC STAY (DK# 27)**

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COMES NOW, the Board of Supervisors of Choctaw County, Mississippi ("Choctaw County"), pursuant to Federal Rule of Bankruptcy Procedure 4001(d)(1) and files its motion for approval of agreement to terminate the automatic stay with respect to ambulances owned by Choctaw County, and in support thereof would state as follows:

1. On December 14, 2009, Brandywine Health Services of Mississippi, Inc. ("Brandywine") filed its petition for relief pursuant to Chapter 11 of the Bankruptcy Code.
2. On January 4, 2010, Choctaw County filed its emergency motion for relief from the automatic stay so that it could obtain possession of certain ambulances Choctaw County owned but which were in the possession of the Debtor (DK# 26).
3. The Debtor and Choctaw County have reached an agreement with respect to the termination of the automatic stay which agreement is contained in the proposed Agreed Order, a true and correct copy of which is attached to this motion as Exhibit "A" and incorporated herein by reference. The proposed order provides that the stay is terminated, to the extent it applied, to Choctaw County obtaining possession of its ambulances.

WHEREFORE, PREMISES CONSIDERED, Choctaw County requests that the Court approve the agreement terminating the automatic stay to the extent said stay applies to Choctaw County's ambulances currently in possession of the Debtor.

Respectfully submitted this 7<sup>th</sup> day of January, 2010.

THE BOARD OF SUPERVISORS OF  
CHOCTAW COUNTY, MISSISSIPPI

By: /s/ Jim F. Spencer, Jr.  
Jim F. Spencer, Jr.

**CERTIFICATE OF SERVICE**

I, Jim F. Spencer, Jr., hereby certify that I have this day caused to be served by electronic mail a true and correct copy of the **EMERGENCY MOTION FOR RELIEF FROM THE AUTOMATIC STAY** to the following counsel of record:

J. Walter Newman, IV - stacplee@mac.com

Sammye S. Tharp - Sammye.S.Tharp@usdoj.gov

This 7<sup>th</sup> day of December 2010.

/s/ Jim F. Spencer, Jr.  
Jim F. Spencer, Jr.

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

IN RE: BRANDYWINE HEALTH  
SERVICES OF MISSISSIPPI, INC.

CH. 11 CASE NO:09-16528-DWH

FINAL ORDER TERMINATING THE AUTOMATIC STAY

THIS CAUSE came on for hearing on the emergency motion of Choctaw County, Mississippi, for relief from the automatic stay, to the extent said stay applies, to certain ambulances owned by the Choctaw County but in the possession of the Debtor (DK#26), and the Court having considered the motion and being advised that the Debtor consents to the relief set forth in the motion finds that it is well-taken and should be granted.

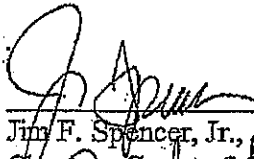
IT IS THEREFORE ORDERED that the automatic stay of 11 U.S.C. § 362 to the extent said stay applies to those certain ambulances owned by Choctaw County but in the possession of the Debtor is hereby terminated.

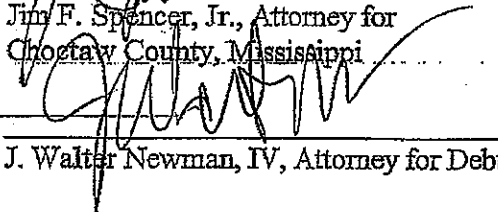
IT IS FURTHER ORDERED that the stay provisions of Federal Rule of Bankruptcy Procedure 4001(a)(3) are dispensed with.

Dated this \_\_\_\_\_ day of January, 2010.

UNITED STATES BANKRUPTCY COURT JUDGE

AGREED TO:

  
Jim F. Spencer, Jr., Attorney for  
Choctaw County, Mississippi

  
J. Walter Newman, IV, Attorney for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: BRANDYWINE HEALTH  
SERVICES OF MISSISSIPPI, INC.**

**CH. 11 CASE NO:09-16528-DWH**

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**ORDER APPROVING  
BOARD OF SUPERVISORS OF CHOCTAW COUNTY, MISSISSIPPI'S  
MOTION FOR APPROVAL OF AGREED ORDER  
GRANTING RELIEF FROM THE AUTOMATIC STAY (DK# 27) (DK# \_\_)**

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THIS CAUSE came on for hearing on the motion of the Board of Supervisors of Choctaw County, Mississippi ("Choctaw County") for approval of agreed order granting relief from the automatic stay (DK # 27) (DK # \_\_\_\_), and the Court having considered the motion and being advised that due and proper notice of the motion was provided pursuant to Federal Rule of Bankruptcy Procedure 4001 and having considered the motion and the terms of the proposed agreement, finds that it should be approved.

IT IS THEREFORE ORDERED that the agreement with respect to the relief from the automatic stay contained in the proposed order attached as Exhibit "A" to the motion for approval of agreed order, is hereby approved.

SO ORDERED, this \_\_\_\_\_ day of January, 2010.

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UNITED STATES BANKRUPTCY COURT JUDGE

Submitted by:  
Jim F. Spencer, Jr. (MSB # 7736)  
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(601) 965-1900  
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